

018-7111/992440

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| DB STRUCTURED PRODUCTS, INC., | : 07 Civ. 4119 (DCL)(KNF) ECF case |
| Plaintiff, | : |
| – against – | : |
| LENDER LTD., | : NOTICE OF MOTION FOR SUMMARY JUDGMENT DISMISSING THE THIRD-PARTY ACTION |
| Defendant/Third-Party Plaintiff, | : |
| – against – | : |
| CML DIRECT, INC. d/b/a CREATIVE MORTGAGE LENDING, | : |
| Third-Party Defendant. | : |
| | X |

Please take notice that upon the declaration of John Sanger dated March 12, 2008, with exhibits, the statement of material facts pursuant to Local Civil Rule 56.1, the attached memorandum of law, and upon all papers previously had herein, third-party defendant CML Direct, Inc. (“CML Direct”) will move for summary judgment pursuant to Fed. R. Civ. P. 56(b) dismissing the third-party action commenced by Lender Ltd. on the ground that the court lacks personal jurisdiction over CML Direct pursuant to Fed. R. Civ. P. 12(b)(2), before Hon. Denise L. Cote, U.S.D.J., at the courthouse at 500 Pearl Street, New York, New York, on April 4, 2008, at 10 a.m.

Pursuant to Local Civil Rule 6.1(b), opposing papers are due ten days after service hereof.

Dated: New York, NY
March 13, 2008

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/S/

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